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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,620	03/06/2002	Weng Hung-Chang	HUNG-CHANG-1	4971
7590 02/18/2004			EXAMINER	
BROWDY AND NEIMARK, P.L.L.C.			POE, MICHAEL I	
624 Ninth, N.W. Suite 300			ART UNIT	
Washington, DC 20001			PAPER NUMBER	
			1732	

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/090,620

Applicant(s)

HUNG-CHANG, WENG

Examiner

Michael I Poe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the casings" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 includes the recitation "shaking out the mold module after slightly dried". This recitation is generally confusing because it would be unclear to one reading the claims how this step relates to the other steps of the process. Specifically, it is unclear whether or not the step of shaking out is intended to be a step of removing the molded article from the mold module to allow the molded product to be dried and cured. For the purpose of this Office action, the examiner has assumed that the "shaking out" step is a step of removing the molded product from the mold module.

Claim 8 recites the limitation "the shaped product" in line 8. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-3 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,303,061 B1 (Hewins) in view of the Derwent Abstract of SU 977537 A (Ivanov et al.).

#### **Claims 1-3 and 5-8**

Hewins teaches a method of forming a sculptured product including mixing together (blending uniformly) a quantity of premixed mixture of ground cellulose-containing material (pulp), plaster of Paris (plaster), and starch preservative (mucilage; including corn starch plus wheat starch or sweet potato starch); a quantity of water-based adhesive resin (mucilage; the mucilage is resin; the mucilage is a resin

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or a blended glue); and a quantity of talcum powder (a small amount of stone powder) to form a precursor material (to become a desired plastic material); treating the precursor material with microwave energy; molding an article from the microwaved material by pressing the material into a mold (stuffing the plastic material into a mold module with hand) or by sculpting the material into the desired shape by hand (kneading the plastic material to form desired shapes with hands); removing the article from the mold as necessary (shaking out the mold module after slightly dried); and drying and curing the article to form the final product (drying and curing the casings/the shaped product to become a product/a complete decorative article) (abstract; column 6, lines 21-39 and 48-59). Hewins further teaches that the precursor material consists of one cup of premixed mixture (e.g., cellulose-containing material, plaster of Paris and starch preservative), 5 fluid oz. of a water-based polyvinyl alcohol resin and one tablespoon each of colored acrylic paint (dyestuff is added after dipping and crashing of the water paper to obtain a specifically colored product) and talcum powder (Example in column 5, line 64 - column 6, line 2). With regard to the premixed mixture, Hewins teaches, through the incorporation by reference of U.S. Patent No. 3,468,414 to Harris, that the ratio of cellulose-containing material to starch preservative to plaster of Paris should be about 1.8 to 1 to 0.55 by weight. Based upon the composition taught by Hewins, Hewins teaches a plastic material having pulp, mucilage, and plaster in a volume ratio of about 2.4-1.6 : 1.2-0.8 : 0.3-0.7 as claimed. Hewins further teach that coloring a sculptured object to provide an evenly blended color or marbled effect can be obtained by painting the sculpted object after it is formed or by providing sculpting material containing coloring materials (the plastic material in different colors is stuffed with hands into the mold module time after time in the process of step (c) to beautify the sightliness of the product) (column 1, lines 46-57; column 5, lines 56-61).

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Hewins does not specifically teach that the cellulose-containing material is formed by assorting, combining, dipping, crashing and dewatering recollected <sup>waste</sup>~~water~~ paper. However, Ivanov et al. teach a method of preparing waste paper for storage including treating the waste paper by breaking up, cleaning, sorting, crushing in water media and mass dehydration to form a pulp (assorting, combining, dipping, crashing and dewatering recollected water paper to form required pulp) (Basic Abstract). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of

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ordinary skill would have been motivated to form the pulp in the process of Hewins by treating waste paper according to the process taught by Ivanov et al. to increase the pulp storage life and thereby ensure the quality of the pulp during storage of the premixed mixture.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,303,061 B1 (Hewins) in view of the Derwent Abstract of SU 977537 A (Ivanov et al.) and U.S. Patent No. 1,256,621 (Weissmann).

#### **Claim 4**

The discussion of Hewins and Ivanov et al. as applied to claim 1 above applies herein.

Hewins in view of Ivanov et al. does not specifically teach that the resin is a waterproof resin. However, Weissmann teaches a plastic molding composition consisting essentially of paper pulp in comminuted form, plaster of Paris (plaster), vegetable glue as a binding vehicle (mucilage), coloring matter (dyestuff) if desired and shellac (mucilage; the mucilage is a waterproof binder) if it is desired to render the composition inherently waterproof (page 1, lines 23-29). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made and one of ordinary skill would have been motivated to provide a waterproofing resin as the mucilage in the process of Hewins in view of Ivanov et al. as taught by Weissmann to provide an article capable of withstanding weather (such as rain) that would occur if the article was placed outdoors.

#### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 1,618,263 (Beardsley), U.S. Patent No. 1,920,372 (Fulton), U.S. Patent No. 1,934,156 (Verderosa), U.S. Patent No. 3,390,003 (Cooper), U.S. Patent No. 3,468,414 (Harris), U.S. Patent No. 3,736,221 (Evers et al.), U.S. Patent No. 4,562,218 (Fornadel et al.), U.S. Patent No. 5,110,525 (Kolsky et al.), U.S. Patent No. 5,560,962 (Brunger et al.), U.S. Patent No. 5,626,668 (Gerhardinger et al.), Japanese Patent Publication No. 11-140800-A (Tomitaka), and German Patent Publication No. DE 19803639 A1 (Falkhof et al.) have been cited of interest to show the state of the art at the time the invention was made.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I Poe whose telephone number is (571) 272-1207. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Poe/mip



**MICHAEL COLAIANNI  
PRIMARY EXAMINER**